

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**  
**THURSDAY, THE 30<sup>TH</sup> DAY OF NOVEMBER 2023 / 9TH AGRAHAYANA, 1945**  
**WP(C) NO. 39452 OF 2023**

**PETITIONER:**

BETTY MATHEW  
AGED 59 YEARS  
W/O. MATHEW THOMAS,  
VADAKKENIRUVELIL, MUNDAKKAYAM. P.O,  
KOTTAYAM, PIN - 686513

BY ADVS.  
M.NARENDRA KUMAR  
HARSHADEV M.

**RESPONDENTS:**

- 1 PARATHODU GRAMA PANCHAYATH  
OFFICE OF THE PARATHODU GRAMA PANCHAYATH EDAKUNNAM,  
PARATHODU. P.O.,  
KOTTAYAM DISTRICT - PIN - 686512  
REP. BY ITS SECRETARY,
- 2 SECRETARY  
PARATHODU GRAMA PANCHAYATH, EDAKUNNAM,  
PARATHODU. P.O.,  
KOTTAYAM DISTRICT, PIN - 686512

ADV.JUSTIN JACOB,  
STANDING COUNSEL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30.11.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**BECHU KURIAN THOMAS, J.**

-----  
**W.P.(C).No.39452 of 2023**  
-----

*Dated this the 30<sup>th</sup> day of November, 2023*

**JUDGMENT**

Petitioner's application for a building permit dated 05.10.2023, has been rejected by letter dated 22.11.2023, pointing out that the property is one that was exempted under Section 81(1)e of the Kerala Land Reforms Act, 1963, (in short 'the Act') and therefore, permission cannot be granted for construction of a building.

2. I have heard Sri. Narendra Kumar. M, the learned counsel for the petitioner as well as Sri. Justin Jacob, the learned Standing Counsel for the Panchayat.

3. This Court has time and again observed that there is no restriction on constructions being carried out on a land that was exempted under the Act. In ***Mathew K Jacob v. District Environment Impact Assessment Authority [2018 (4) KLT 913 (F.B.)]***, Full Bench of this Court had observed that there is no restriction on using a property for any purpose merely because the land was exempted as a plantation. Similarly, a learned Single Judge of this Court held in ***Kinallur Rock Sand v. State of Kerala and others [2021 (2) KLT 351]*** that, following the above Full Bench Judgment, there is no prohibition in using exempted

land for a different purpose other than for purpose in which it was exempted.

4. In view of the above propositions of law, which still remain in force, the rejection of petitioner's application alleging that the land was earlier exempted under the provisions of Section 81(1)e of the Act, is per-se illegal and arbitrary.

5. Therefore, I set aside Ext.P6 and direct the 2<sup>nd</sup> respondent to reconsider the application submitted by the petitioner for grant of building permit, as expeditiously as possible, at any rate, within a period of 30 days from the date of receipt of a copy of this judgment.

Writ petition is allowed as above.

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

Jka/30.11.23.

**APPENDIX OF WP(C) 39452/2023**

**PETITIONER'S EXHIBITS**

Exhibit -P1	TRUE COPY OF THE TAX RECEIPT DATED 26.09.2023.
Exhibit -P2	TRUE COPY OF THE APPLICATION NO. SC2-6976/23 ON 05.10.2023.
Exhibit -P3	TRUE COPY OF BUILDING PLAN PASSED BY PARATHODU GRAMA PANCHAYAT.
Exhibit -P4	TRUE COPY OF THE LOCATION SKETCH DATED 27.09.2023 ISSUED BY VILLAGE OFFICER, KANJIRAPALLY.
Exhibit -P5	TRUE COPY OF THE POSSESSION CERTIFICATE DATED 27.09.2023 ISSUED BY VILLAGE OFFICER, KANJIRAPALLY.
Exhibit -P6	TRUE COPY OF THE LETTER NO. SC2-6976/23 ISSUED BY THE 2ND RESPONDENT DATED 22.11.2023.
Exhibit -P7	TRUE COPY OF THE INVITATION CARD OF THE MARRIAGE OF THE SON.